IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

WP(C).No. 16545 of 2007(T)

PETITIONERS:
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1. **P.G.SIVAN, MANAGER GRADE I (HG),**
   GUEST HOUSE, IDUKKI.

2. **M.C.VARGHESE, MANAGER GRADE I (HG),**
   GUEST HOUSE, KASARGOD.

BY ADV. SRI.M.C.JOHN

RESPONDENTS:
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1. **THE SECRETARY TO GOVERNMENT,**
   GENERAL ADMINISTRATION (TOURISM) DEPARTMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE DIRECTOR OF TOURISM, PARK VIEW,**
   THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.16545/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE FINAL SENIORITY LIST PUBLISHED VIDE ORDER NO.E1-7655/2003 DT. 4.9.03.

EXT.P2:_ COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER TO THE 1ST RESPONDENT DT. 27.12.04.

EXT.P3:- COPY OF THE OBJECTION DT. 21.10.03 SUBMITTED BY THE 2ND RESPONDENT BY THE 2ND PETITIONER.

EXT.P4:- COPY OF THE REPRESENTATION SUBMITTED TO THE 1ST RESPONDENT BY THE 2ND PETITIONER ON 5.12.04.

EXT.P5:- COPY OF THE LETTER NO.E1-16998/03 DT. 31.12.04 OF THE 2ND RESPONDENT.

EXT.P6:- COPY OF THE LETTER DT. 22..04 ISSUED BY THE 1ST RESPONDENT.

EXT.P7:- COPY OF THE ORDER NO.E1-6513/06 DT. 20.5..06 OF THE 2ND RESPONDENT.

EXT.P8:- COPY OF THE REPRESENTATION DT. 1.11.06 OF THE 2ND PETITIONER.

EXT.P9:- COPY OF THE GO(RT) NO.2824/2007/TSM. DT. 7.4.07.

/TRUE COPY/

P.S. TO JUDGE

tss

Antony Dominic, J.

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W.P(C).No.16545 of 2007

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Dated this the 14th day of August, 2007.

JUDGMENT

Complaint of the petitioners is regarding the rank and seniority assigned to them in the category of Manager Grade I in the Tourism Department. It is stated that they ought to have been given promotion with effect from the date of occurrence of vacancy and that in view of the delay to convene the D.P.C., promotion was also delayed, which has adversely affected their career. Petitioners make reference to Exts.P5, P6 and P7. In Ext.P5 it is seen that the Director has recommended their case for giving retrospective effect to their promotion and according to them, Exts.P6 and P7 show that similar requests have been accepted. Exts.P2, P4 and P8 are representations made by the petitioners claiming retrospective effect to their promotion and these representations are pending before the first respondent.

2. Taking into account the recommendation that is made by the Director in Ext.P5 and the benefit that is given to others by

Exts.P6 and P7, I direct the first respondent to consider the claim of the petitioners evidenced by Exts.P2, P4 and P8, and pass orders thereon in the light of Exts.P5 to P7 as expeditiously as possible. In the process, if any other persons' rights are likely to be prejudicially affected, such persons should also be put on notice and heard along with the petitioners. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this judgment.

Writ Petition is disposed of as above. Petitioners are directed to produce a copy of this judgment before the first respondent for compliance.

Antony Dominic,
Judge.

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